

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

JONATHAN STEWART,

Plaintiff,

v.

Case Number 07-13675-BC  
Honorable Thomas L. Ludington

GEOSTAR CORP.,

Defendant.

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**ORDER DENYING DEFENDANT'S MOTION FOR STAY  
AND GRANTING PARTIES' JOINT REQUEST TO EXTEND DATES  
TO RESPOND AND REPLY TO PLAINTIFF'S MOTION  
FOR SUMMARY JUDGMENT**

On May 27, 2008, Defendant Geostar Corporation filed a motion to dismiss Plaintiff Jonathan Stewart's first amended complaint. On June 17, 2008, Plaintiff filed a motion for summary judgment.

On July 2, 2008, Defendant filed a motion to stay all proceedings, including discovery, until disposition of its motion to dismiss or to adjourn the hearing on Plaintiff's motion for summary judgment for 90 days. Plaintiff opposes the motion, contending that Defendant has not demonstrated good cause, as required under Federal Rule of Civil Procedure 26(c).

Apart from citing a variety of cases that considered the possibility of a stay in light of pending motions, Defendant has not specified a particular factual basis to demonstrate good cause for staying proceedings in the instant case. Also, Defendant's concern that the parties not address other matters while a motion to dismiss remains pending is mitigated by the fact that its current motion to dismiss represents its third such motion. Further, Federal Rule of Civil Procedure 56(a) permits Plaintiff to file his motion for summary judgment, and Federal Rule of Civil Procedure 56(f)

offers some protection to Defendant, in the event that it may seek to argue that it could not present facts essential to justify its opposition to summary judgment.

Separately, the parties submitted to the Court a stipulated proposed order extending the dates to respond and reply to Defendant's motion for summary judgment. The Court will grant the extension of dates requested there.

Accordingly, it is **ORDERED** that Defendant's motion to stay proceedings [dkt #32] is **DENIED**.

It is further **ORDERED** that the parties' request for an extension of dates to respond and reply to Plaintiff's motion for summary judgment is **GRANTED**. Defendant shall file any response on or before **July 25, 2008**, and Plaintiff shall file any reply on or before **August 4, 2008**.

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

Dated: July 10, 2008

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on July 10, 2008.

s/Tracy A. Jacobs  
TRACY A. JACOBS